

DETAILED ACTION

EXAMINER'S AMENDMENT

1. Authorization for this examiner's amendment was given in a telephone interview with Burton Amernick (reg. # 24,852) on 11/17/2009.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. In claim 15, line 2 after the phrase "enriched with ubiquinone" the phrase --, wherein the ordinary food enriched with ubiquinone is a food in a form other than tablets or capsules, -- has been inserted.
4. In claim 15, line 3 after the phrase "melting point of ubiquinone," the phrase -- wherein the heating temperature is within the range of 50°C to 70°C, -- has been inserted.
5. Withdrawn claims 1-7, 9-14 and 19-21 and claims 23 and 25 are cancelled.

REASONS FOR ALLOWANCE

6. The following is an examiner's statement of reasons for allowance:

A review of Applicant's arguments in the Paper filed 9/9/2009 and a review of the instant claims, which encompass the examiner's amendments as discussed with and accepted by Applicant's attorney, Mr. Burton Amernick, in a phone interview on 11/17/2009 has convinced the examiner that the claims are allowable over the applied prior art of record.

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7. Regarding independent claim 15 and the dependent claims, the prior art fails to teach or suggest a process for producing an ordinary food enriched with ubiquinone, wherein the ordinary food enriched with ubiquinone is a food in a form other than tablets or capsules, which comprises dissolving ubiquinone in an oil/fat under heating at a heating temperature of not lower than the melting point of ubiquinone, wherein the heating temperature is within the range of 50°C to 70°C, and adding the obtained mixture to a food material.

8. The closest prior art of UDEL (US 6,616,942) teaches a process for producing capsules by adding ubiquinone to an oil/fat, however, the heating temperature is 35 to 45 °C which is lower than 48 °C, the melting point of ubiquinone, and below the range of 50°C to 70°C. Since UDEL (US 6,616,942) is directed to capsules the “other than ... capsules” language is not satisfied. Since the ubiquinone is added to oil/fat and wax at a temperature below the melting point of ubiquinone it is not obvious that the ubiquinone dissolves in the oil/fat.

9. The secondary references of record do not teach or suggest the combined limitations not taught by UDEL (US 6,616,942).

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571)272-0496. The examiner can normally be reached on Monday-Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brent T. O'Hern/
Examiner, Art Unit 1794
November 18, 2009